

Senate Study Bill 3114 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

- 1 An Act relating to criminal gang participation.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 723A.2, Code 2014, is amended to read as
2 follows:

3 **723A.2 Criminal gang participation.**

4 A person who actively participates in or is a member of
5 a criminal street gang and who ~~willfully aids and abets any~~
6 ~~criminal act~~ commits or aids and abets any public offense
7 punishable by a term of imprisonment of one year or more,
8 committed for the benefit of, at the direction of, or in
9 association with any criminal street gang, commits a class "D"
10 felony.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill changes the requirements for an individual to be
15 charged with a class "D" felony for participating in or being a
16 member of a criminal street gang. To be charged with a class
17 "D" felony, the bill requires that an individual participates
18 in or is a member of a criminal street gang and commits, or
19 aids and abets, a public offense that is punishable by a term
20 of imprisonment of one year or more. The bill removes the
21 criminal culpability requirement of "willfully" aiding or
22 abetting a criminal act. The bill also changes what act an
23 individual must commit, or aid and abet, to be charged under
24 this section from "criminal act" as defined in Code chapter
25 723A to any public offense (see Code section 701.2) that is
26 punished by a term of incarceration of one year or more.